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In re Application of:  
PUEL, Jean-Luc, et al. : DECISION ON PETITION  
U.S. Application No.: 10/525,624 :  
PCT No.: PCT/US2002/028519 :  
International Filing Date: 06 September 2002 :  
Priority Date: None :  
Atty Docket No.: DURE-034 :  
For: DELIVERY OF MODULATORS OF :  
GLUTAMATE-MEDIATED :  
NEUROTRANSMISSION TO THE :  
INNER EAR :  
:

This decision is issued in response to the "Petition For Reconsideration Of Holding Of Abandonment Under MPEP 711.03" filed 28 July 2006, treated herein as a petition under 37 CFR 1.181. No petition fee is required.

**BACKGROUND**

On 06 September 2002, applicants filed international application PCT/US2002/028519. The application did not claim an earlier priority date, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 06 March 2005.

On 24 February 2005, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 02 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

On 19 July 2006, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a response to the Notification Of Missing Requirements.

On 28 July 2006, the petition considered herein was filed. The petition asserts that, on 01 November 2005, applicants filed a timely response to the Notification Of Missing Requirements that included an executed declaration in compliance with 37 CFR 1.497. A copy of the

previously filed response and a copy of a return postcard that itemizes the 01 November 2005 submission and bears a USPTO receipt stamp dated 03 November 2005 accompany the petition.

### DISCUSSION

Based on the statements in the present petition and the itemized return postcard bearing the USPTO receipt stamp, it is concluded that materials accompanying the present petition (including the executed declaration) were originally filed herein on 03 November 2005 as a timely response to the Notification Of Missing Requirements mailed 02 September 2005.

The declaration satisfies the requirements of 37 CFR 1.497.

The Notification of Abandonment mailed 28 July 2006, based as it was on applicants' purported failure to respond to the Notification Of Missing Requirements, is appropriately vacated.

### CONCLUSION

The petition to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 28 July 2006 is hereby **VACATED**.

The declaration accompanying the present petition will be treated as having been filed on 03 November 2005.

This application is being returned to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 November 2005.



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